ORDER RECEIVED FILING Date (123/11)

IN RE: PETITION FOR SPECIAL HEARING N/S Providence Road, 250' NE of its

intersection w/ Seminary Avenue (Rear of 1405 Autumn Leaf Road)

9th Election District

4th Councilmanic District

Adrian D. Herring, et al Petitioners

- BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 99-398-SPH

: * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Adrian D. Herring, Mary H. Bryant and Barbara H. Thompson, and the transferees, Scott P. Rose and Dean H. Rose. The Owners seek approval of the non-density transfer of a 0.067-acre parcel to an adjoining property owner (Messrs. Rose). The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing in support of the request were Abbie H. Rose, the tenant under a Life Estate for the property that is to receive the non-density parcel, and Bruce E. Doak, Registered Property Line Surveyor, who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that Adrian D. Herring, Mary H. Bryant and Barbara H. Thompson are siblings who own an unimproved tract of land located on the north side of Providence Road in Towson which contains approximately 4.432 acres, more or less, and is split zoned D.R.2 and D.R.3.5. This tract is an irregular shaped parcel with narrow frontage on Providence Road. The bulk of the tract is located to the rear of other adjacent properties which front on Providence Road, Autumn Leaf Road and Seminary Avenue. The Petitioners propose to transfer a triangular shaped parcel containing 0.067 acres in area from the subject tract to Scott P. Rose and Dean H. Rose, who own the property known as 1405 Autumn Leaf Road, which abuts

the rear of the parcel to be transferred. Mrs. Abbie Rose, who is the mother of Scott and Dean Rose, resides on that property pursuant to a life estate. Her sons, Scott P. and Dean H. are the remaindermen. The Petitioners apparently contemplate selling the overall 4.432-acre parcel; however, prior to that sale, they wish to convey to Mrs. Rose and her sons the small 0.067-acre parcel which is the subject of this request, for non-density purposes. It was indicated at the hearing that the Rose family has used this area in conjunction with their property for some time and wish to continue to do so.

There were no Protestants present and no adverse Zoning Advisory Committee comments. Clearly, there will be no adverse impact on either the subject property or adjacent sites. Thus, it appears that the conveyance is appropriate and should be approved.

Pursuant to the advertisement, posting of the property and public hearing held thereon, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE IT IS ORDERED by the zoning Commissioner for Baltimore County this 23 day of June, 1999 that the Petition for Special Hearing to approve the non-density transfer of a 0.067 acre parcel to an adjoining property owner, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bis

file monke by thing



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

June 21, 1999

Mr. Adrian D. Herring 930 Weisburg Road White Hall, Maryland 21161

RE: PETITION FOR SPECIAL HEARING

N/S Providence Road, 250' NE of its intersection w/Seminary Avenue

(Rear of 1405 Autumn Leaf Road)

9th Election District – 4th Councilmanic District

Adrian D. Herring, et al - Petitioners

Case No. 99-389-SPH

Dear Mr. Herring:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Ms. Abbie H. Rose and Mr. Scott P. Rose 1405 Autumn Leaf Road, Towson, Md. 21286 People's Counsel; Case File



Petition for Special

to the Zoning Commissioner of Baltimore County

225' FOFAUTUMN LEAF DR for the property located at Providence Road

which is presently zoned

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

the non-density transfer of a 0.067 Acre parcel of land to an adjoining property owner.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee:

BEO Signature Telephone No. Name - Type or Print Address Zio Code Signature City State

Attorney For Petitioner: Name - Type or Print Representative to be Contacted:

Signature

Company Telephone No. Address Telephone No.

Zip Code State Zip Code City State

> OFFICE USE ONLY ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

REV 9115198



91.5198

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Reavidence Road

225'E OF AUTUMN LEAF DR.

which is presently zoned

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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Reviewed By _____



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Providence Road

225/E OF AUTUMN LEAF DR,

which is presently zoned

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

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		is the subject of this Petition.		
	Contract Purchaser/Lessee:	Legal Owner(s):		
	Name - Type or Print	Name-Type of Print May Hering BeyANT May Hering Brugel		
	Signature	Signature Signature		
	Address Telephone No.	Name - Type or Print		
	City State Zip Code			
	Attorney For Petitioner:	X 1802 CIECLE RD. 410-828-4573		
		Address relephone 140.		
	Name - Type or Print	City State Zip Code		
	Traine - Type of Tilliu			
MON FILING	Signature Company	Representative to be Contacted: Name 1050 40 - 100 100		
		1405 AUTUMALED F PV 821-8743		
سلنگ میرس	Address Telephone No.	Address Telephone No.		
<u> </u>	City State Zip Code	e city SON // State 2/286 Zip Code		
<u> </u>	State Zip Cook	s Gity / t State 2.p 5000		
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	Case No. 99-398-SPH	UNAVAILABLE FOR HEARING		
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GOPDON T LANGDON

EDWARD F DE!ACO-LOHR

BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors

SUITE 100 320 EAST TOWSONTOWN BOULEVARD TOWSON, MARYLAND 21286-5318

> 410-823-4470 FAX 410-823-4473

EMERITUS

PAUL G. DOLLENBERG
FRED H DOLLENBERG
CARL L GERHOLD
PHILIP K CROSS
OF COUNSEL
JOHN F ETZEL
WILLIAM G. ULRICH

February 10, 1999

Zoning Description 0.067 Acre, More or Less, Parcel of Land

Beginning for the same at a point South 80 degrees 58 minutes 05 seconds East 245 feet, more or less, from a point 250 feet, more or less, northerly from the intersection of the centerline of Seminary Avenue with the centerline of Autumn Leaf Road along the centerline of Autumn Leaf Road, running thence 1) South 24 degrees 38 minutes 09 seconds East 100.00 feet, 2) North 18 degrees 44 minutes 58 seconds East 84.44 feet, and 3) North 80 degrees 58 minutes 05 seconds West 69.69 feet to the place of beginning;

Containing 0.067 Acres of land, more or less.

This description only satisfies the requirements of the office of zoning and is not intended to be used for conveyance purposes.

Manufacture 2.50

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CELLANEOUS RECEIPT JV ACCOUNT	HECEIVED TO SCOTT	RES SPH.	WAITE CASHER PINK - AGENCY YELLOW - CUSTOMER WATER CASHER BILL TO THE CASHER

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The Zohing Commissioner of Baltimore County, by authority of the Zohing Arte and Pagulatons, of Baltimore County will not a public hearing in Tove Son, Markand on the property

E/S Autumn Leaf Drive, 245' from centerling Seminar Avenue

Avenue
9th Election District
4th Courrellmanic District
tegal Ownfor(s) Adian
regal Avenor(s) Adian
regal Sequera Tromps

Confract Purchaser Soor Pruitt Rose Streets Hearting to announce

Spatial Hearing, to approve the fort-density fraister of a adjoining property owner. Hearing, Monday, May 24, 1999 at 100 m. in Room 407, County County, South Alonday.

LAWRENCE E. SCHMIDT

Baltimore County

NOTES (1) Hearings are
Hardleapped Accessible for special accommodations
Please Connact the Zohnid
Commissioners Office at

(410) 887/4386.
(2) For Information conce ing the File and/or Heart Contact the Zoning Review flee at (410) 887-3391. 5/004 May 8 C309612

CERTIFICATE OF PUBLICATION

TOWSON, MD., 566, 199

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of $\frac{1}{2}$ successive weeks, the first publication appearing on $\frac{1}{2} = \frac{1}{2} = \frac{1}{2$

THE JEFFERSONIAN,

S. Wulman

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE. Case No: 99-398-SPH Petitioner/Developer: ROSE/BRYANT

You G. C. & E., SURVEYORS

Date of Hearing/Closing: 5/24/99

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law

were posted conspicuously on the property located at VIC. # 1408 PROVIDENCE

ROAD - W/S @ NORTH OF SEMINARY AVE. (VACANT)

The sign(s) were posted on ___

5/6/99 (Month, Day, Year)

XTEA

Sincerely,

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE (Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030 (City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571 (Telephone Number)



5/24/99

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
Providence Road, E/S Autumn Leaf Dr,		
245' from c/l Seminary Ave, 9th Election District,	*	ZONING COMMISSIONER
4th Councilmanic		
	*	FOR
Legal Owners: Adrian D. Herring, Barbara H.		
Thompson, and Mary H. Bryant	*	BALTIMORE COUNTY
Contract Purchasers: Scott Pruitt and Dean Rose		
Petitioner(s)	*	Case Number: 99-398-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Peter Max Timnerna

CAROLE S. DEMILIO

Carole S. Domilio

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

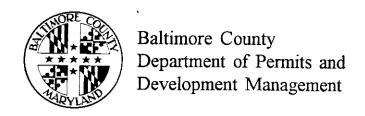
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ______ day of April, 1999, a copy of the foregoing Entry of Appearance was mailed to Abbie H. Rose, 1405 Autumn Leaf Road, Towson, MD 21286, representative for Petitioner(s).

PETER MAX ZIMMERMAN



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

April 21, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-398-SPH

E/S Autumn Leaf Drive, 245' from centerline Seminary Avenue

9th Election District – 4th Councilmanic District

Legal Owner: Adrian Herring & Barbara Thompson & Mary Bryant

Contract Purchaser: Scott Pruitt Rose

<u>Special Hearing</u> to approve the non-density transfer of a .067 acre parcel of land to an adjoining property owner.

HEARING: Monday, May 24, 1999 at 10:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon

Director

c: Adrian Herring
Barbara Thompson
Mary Bryant
Scott Rose
Abbie Rose

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MAY 9, 1999.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Request for Zoning: Validate Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-398-5PH

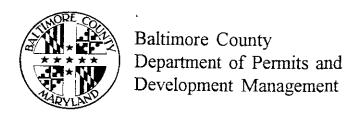
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE:
DATE AND TIME:
REQUEST: A SPECIAL HEARING TO APPROVE A NON DEWSITY TRANSFER
OF A 0.067 ACRE PARCEL OF LAND OF LAND TO AN'
ADJOINING PROPERTY OWNER.
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

TO CONFIRM HEARING CALL 887-3391.

HANDICAPPED ACCESSIBLE



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

May 20, 1999

Ms. Abbie H. Rose 1405 Autumn Leaf Road Towson, MD 21286

> RE: Case No.: 99-398-SPH Petitioner: Thompson

> > Location: Autumn Leaf Drive

Dear Ms. Rose:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on April 8, 1999.

The Zoning Advisory Committee (ZAC), which of consists representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Zoning Supervisor Zoning Review

WCR:ggs

Enclosures



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

May 10, 1999

Armold Tables, Director

Zonior Administration and Development Management
Editions County office Building

There Modeling

PE: Projecty Owner: PPP BRICH

Location: Distribution MERTING of April 19, 1999

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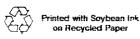
S. The Fire Modelia Stice was no domments at this time,
IN REPERENCE to THE FOLLOWING ITEM NUMBERS:

114, 395, 305, 307, 198 410, 401 and 402

PEMIEWER: NO. ROBERT B. SZMERWALD

File

Wo: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: April 26, 1999

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for April 26, 1999

Item Nos. 394, 395, 396, 397, (398)

400, and 402

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Permits and Development Management

DATE: 4/24/99

FROM:

R. Bruce Seeley, Project Manager Ansipp

Development Coordination

DEPRM

SUBJECT:

Zoning Advisory Committee

Distribution Meeting Date:

The Department of Environmental Protection and Resource Management has **no comments** for the following Zoning Advisory Committee Items:

Item #'s:

fry Spy

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Date: April 26, 1999

TO: Arnold Jablon, Director
Department of Permits

and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s): Item No (s): 398 & 408

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief: Offy W. Xoz

AFK/JL



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

JLL

Date: 4.20, 99

Item No.

Baltimore County

RE:

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

Dear. Ms Stephens:

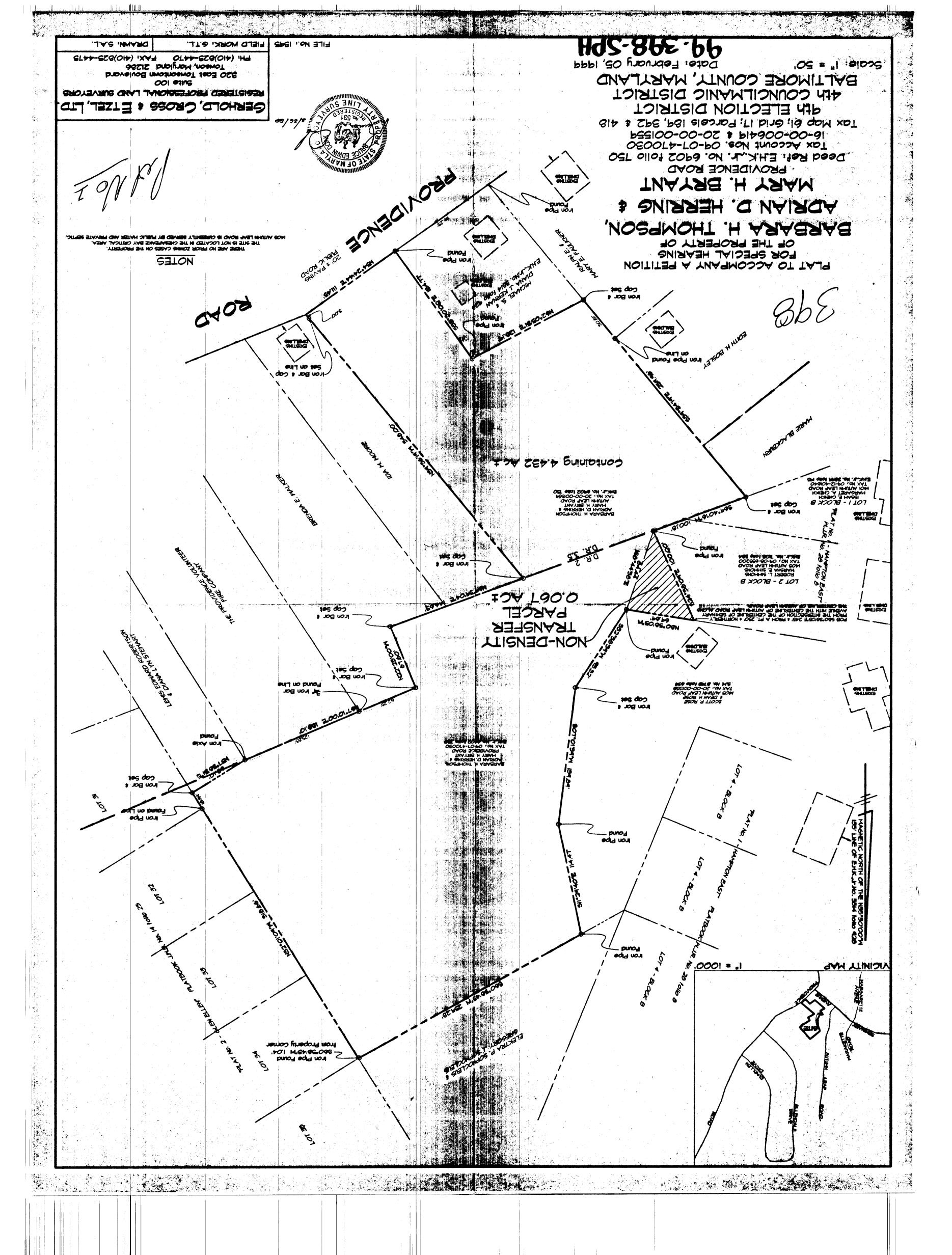
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

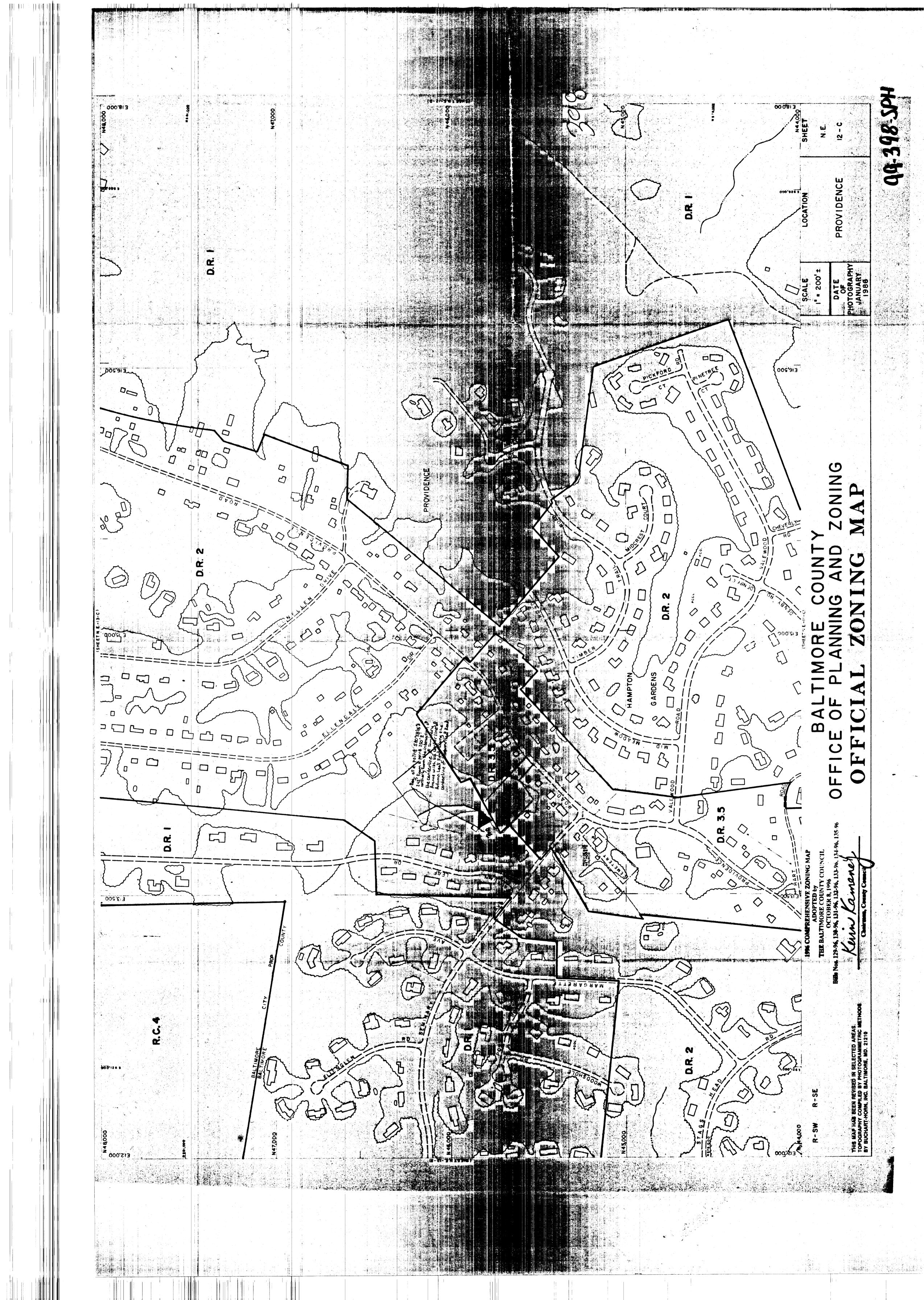
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

/. J. Hred L

Michael M. Lenhart, Acting Chief
Engineering Access Permits Division





TO: PATUXENT PUBLISHING COMPANY

May 6, 1999 Issue - Jeffersonian

Please forward billing to:

Abbie H. Rose

410-821-8743

1405 Autumn Leaf Road Towson, MD 21286

NOTICE OF ZONING HEARING

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Legal Owner: Adrian Herring & Barbara Thompson & Mary Bryant

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HEARING: Monda

Monday, May 24, 1999 at 10:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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